10/790027

TRANSMITTAL

FORM

PTO/SB/21 (9-04) 5. OMB 0651-0031

Approved for use through 07/31/2006, OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Filing Date

Art Unit

Application Number

First Named Inventor

10/790,028

March 2, 2004

Giordano, et al.

December 5, 2008

Date

1616

| (to be used for all correspondence after initial filing) | | | Examine | er Name | |
|--|--|-------------|-----------------|------------------|---|
| Total Number of Pages In this Submission | 6 | Attorney | / Docket Number | er 14ME-129033 | |
| | - | : OCUPE | | ** ** - * = I. A | |
| Fee Transmittal Form Fee Attached Amendment/Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Reply to Missing Parts/Incomplete Application Reply to Missing Parts under | Drawing(s) Licensing-re Petition Petition to (Application Power of Al Change of (Address Terminal Di Request for CD, Numbe | | | | ☐ After Allowance Communication to TC ☐ Appeal Communication to Board of Appeals and Interferences ☐ Appeal Communications to TC (Appeal Notice, Brief, Reply Brief) ☐ Proprietary Information ☐ Status Letter ☒ Other Enclosure(s) (please identify below): Request for Certificate of Correction Under 37 C.F.R. § 1.323 |
| 27 CFR 1.52 or 1.53 | | | | | |
| SIGNAT | URE | OF APPLIC | ANT, AT | TORNEY OR | AGENT Certificate |
| Firm Name SHEPPARD MULLIN RI | CHTE | ER & HAMPTO | N LLP | | DEC 0 9 2008 |
| Signature /Don J. Pelto Reg. No. | . 33, | ,754/ | | | |
| Printed Name Don J. Pelto | | | | | of Correction |
| Date December 5, 2008 | | Reg. I | No. | 33,754 | |
| | | | | SSION/MAILIN | |
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioners for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: | | | | | |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Reg. No. 33,754/

. /Don J. Pelto

Don J. Pelto

Signature

Type or Printed Name

PTO/SB/21 (9-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE spond to a collection of information unless it displays a valid OMB control number.

| TDANGMITTAL | | Application Number | 10/790,028-7 | | |
|---|----------------|------------------------|------------------|--|--|
| TRANSMITTAL | | Filing Date | March 2, 2004 | | |
| FORM | | First Named Inventor | Giordano, et al. | | |
| | | Art Unit | 1616 | | |
| (to be used for all correspondence after in | nitial filing) | Examiner Name | | | |
| Total Number of Pages In this Submission 6 | | Attorney Docket Number | 14ME-129033 | | |

| | | | | EN | CLOS | URES (check al | that a | oply) | | | |
|--|---|-------------------------------|--|------------------|--|--|--------------------|------------------------|---|--|--|
| | Fee Transmit | tal Form | | | Drawi | ng(s) | | | | After Allowance Communication to TC | |
| | ☐ Fee Atta | ached | | | | sing-related Pape | rs | | П | Appeal Communication to | |
| | A | Db- | | | Petition | | | Board of Appeals and | | | |
| Ш | Amendment/ | | | | Petition to Convert to a Provisional Application | | | Interferences | | | |
| | | iai :s/declarati | ion(s) | | , , | | | | Appeal Communications to TC (Appeal Notice, Brief, Reply Brief) | | |
| | 741100711 | | | | Chang Addre | ge of Corresponde | ence | | | Proprietary Information | |
| | Extension of | Time Requ | uest | | | nal Disclaimer | | | | Status Letter | |
| | Express Aba | ndonment | Request | | | | | | × | Other Enclosure(s) (please | |
| | Information D | Disclosure | Statement | | CD, N | lumber of CD(s) _ | | | identify t | pelow): | |
| | 0.05.10 | (5) | | | □ ι | andscape Table | on CD | | | st for Certificate of Correction | |
| Ш | Certified Cop Document(s) | | :y | | | | | | Under 37 C.F.R. § 1.323 | | |
| | | | Ren | <u>narks</u> | | | | | | | |
| Reply to Missing Parts/Incomplete | | | _ | | | | | | | | |
| Application | | | Porte under | | | | | | | | |
| Reply to Missing Parts under 27 CFR 1.52 or 1.53 | | | | | | | | | | | |
| | | | | | | | | | | | |
| | SIGNATURE OF APPLICANT, ATTORNEY OR AGENT | | | | | | | | | | |
| Firm Name SHEPPARD MULLIN RICHTER & H | | | R & H/ | AMPTON LLP | | | | | | | |
| Signature /Don J. Pelto Reg. No. 33,75 | | | 754/ | | | | | | | | |
| Printed Name Don J. Pelto | | | | | | | | | | | |
| Date December 5, 2008 | | Reg. No. 33,754 | | | | | | | | | |
| | | - | | | | | | | | | |
| | | | | | | OF TRANSMIS | | | | | |
| l her post belo | age as first clas | this correspo s mail in an | ondence is being t envelope address | acsimi ed to: | ile transr Commi | mitted to the USPTC ssioners for Patents | or depo P.O. Bo | sited with 0x 1450, | h the Unite Alexandria, | d States Postal Service with sufficient , VA 22313-1450 on the date shown | |
| Sig | nature | | . /Don J. Pelto | Re | g. No. | 33,754/ | | | | | |
| Type or Printed Name Don J. Pelto | | | | | | | | Date | Decemi | ber 5, 2008 | |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

OEC 05 E

Docket No.:

14ME-129033

Patent No.:

US 7,390,509 B2

Application No.:

10/790,027

Issued:

June 24, 2008

Filed:

March 2, 2004

Applicant:

Giordano et al.

For:

Compositions and methods for nutrition supplementation

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. § 1.323

Commissioner for Patents Office of Patent Publication Attn: Certificate of Correction Branch P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Patentee hereby respectfully requests that the Commissioner issue a Certificate of Correction for the above-captioned patent in accordance with the accompanying Form PTO/SB/44.

Please note the following corrections:

Claim 1, line 2, change "3970" to --2970--.

Claim 2, line 5, change "Vitamin B⁶" to --Vitamin B₆--.

Claim 3, line 3, change "3970" to --2970--.

Each of the corrections is requested to correct recently discovered typographical errors made by the Patentee. With particular reference to the requested correction of 3970 to 2970, Patentee notes that the original claim set filed on March 2, 2002, included claims reciting 2970 IU of Vitamin A. See, e.g., Claims 28, 45, 80, 121, 138, and 173. The typographical error was introduced by the Patentee in its response dated January 25, 2008, in new claims 246 and 249. Further support for the correction to "2970" IU of Vitamin A is found in the specification; for example, paragraphs [0007], [0013] and [0026], stating a range of "about 2430 IU to about 2970 IU" of Vitamin A.

In the event that any fees are due in connection with this paper, please charge the undersigned's Deposit Account No. 50-1067.

Respectfully submitted,

December 5, 2008

Date

Don J. Pelto

Reg. No. 33,754

SHEPPARD MULLIN RICHTER & HAMPTON

1300 I Street, NW

11th Floor East

Washington, DC 20005

Telephone: 202.772.0000 Facsimile: 202.312.9415

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. (Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

| Page | 1 | of | 1 |
|-------|---|-----|---|
| 1 auc | | OI. | |

PATENT NO.

: 7,390,509 B2

APPLICATION NO.: 10/790,027

ISSUE DATE

: June 24, 2008

INVENTOR(S)

: John A. Giordano et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Please note the following corrections:

Claim 1, line 2, change "3970" to --2970--.

Claim 2, line 5, change "Vitamin B6" to -- Vitamin B6--.

Claim 3, line 3, change "3970" to --2970--.

MAILING ADDRESS OF SENDER (Please do not use customer number below): Sheppard, Mullin, Richter & Hampton LLP 1300 I Street NW, 11th Floor East Washington, DC 20005

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/21 (9-04)
Approved for use through 07/31/2006. OMB 0651-0031
S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Party ork Reduction of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application Number 10/790,028

| TRANSMITTAL | | Application Number | 10/790,028 7 | | |
|--|--------------|------------------------|------------------|--|--|
| FORM | | Filing Date | March 2, 2004 | | |
| FORIVI | | First Named Inventor | Giordano, et al. | | |
| | | Art Unit | 1616 | | |
| (to be used for all correspondence after ini | tial filing) | Examiner Name | | | |
| Total Number of Pages In this Submission 6 | | Attorney Docket Number | 14ME-129033 | | |

| | | · · · · · · · · · · · · · · · · · · · | | ENC | LOS | URES (check a | ll that apply) | | |
|---|--------------------|---------------------------------------|--|-------------------------|--------------------------|---|---|---|---|
| | Fee Transm | ittal Form | · - | | Drawi | ng(s) | | | After Allowance |
| | Fee Attached | | | Licens | ing-related Papers | | | Communication to TC | |
| l_ | | | | _ | Petition | | | Appeal Communication to Board of Appeals and | |
| | Amendment | · - | | | | on to Convert to a cation | a Provisional | l_ | Interferences |
| | ☐ After Fi | | | _ | • • | r of Attorney, Re | vocation | | Appeal Communications to TC |
| | LJ Affidavi | Affidavits/declaration(s) | | _ (| Change of Correspondence | П | (Appeal Notice, Brief, Reply Brief) Proprietary Information | | |
| I_{\Box} | Extension of | Time Rec | ulest | | Addre | | | | Status Letter |
| lH | Express Aba | | | ` | | nal Disclaimer | | Ø | Other Enclosure(s) (please |
| l | Information I | | * | | - | est for Refund | | identify t | |
| | | | | | _ | lumber of CD(s) | | | |
| | Certified Cor | | ity | L | Landscape Table on CD | | Oll CD | Request for Certificate of Correction Under 37 C.F.R. § 1.323 | |
| | Document(s) |) | | Remai | rks | | | 0 | |
| | | | | | | | | | |
| Reply to Missing Parts/Incomplete Application | | | | | | | | | |
| Reply to Missing Parts under | | | | | | | | | |
| 27 CFR 1.52 or 1.53 | | | | | | | | | |
| İ | | | | | | | | | |
| | | | SIGNAT | URE O | F AF | PPLICANT, AT | TORNEY OR | AGENT | |
| Firm Name SHEPPARD MULLIN RICHTER & H. | | | & HA | AMPTON LLP | | | | | |
| Sigi | nature | /Don J. I | Pelto Reg. No. | 33,754 | 4/ | | | | |
| Printed Name Don J. Pelto | | | | | | | | | |
| Date December 5, 2008 | | | | Reg. No. | 33,754 | 3,754 | | | |
| | | | · | | | | | | |
| | | | CE | RTIFIC | ATE | OF TRANSMI | SSION/MAILI | NG | |
| l her post belo | age as first class | this correspos s mail in an | ondence is being f envelope address | acsimile t ed to: Co | transn | nitted to the USPTO ssioners for Patents | O or deposited wit , P.O. Box 1450, | h the United Alexandria, | States Postal Service with sufficient VA 22313-1450 on the date shown |
| Sigi | nature | | . /Don J. Pelto | Reg. | No. | 33,754/ | | | |
| Тур | e or Printed N | ame | Don J. Pelto | | | | Date | Decemb | er 5, 2008 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

| CENTILICATE OF CONNECTION |
|--|
| Page 1 of 1 |
| PATENT NO. : 7,390,509 B2 |
| APPLICATION NO.: 10/790,027 |
| ISSUE DATE : June 24, 2008 |
| INVENTOR(S) : John A. Giordano et al. |
| It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below: |
| |
| |
| |
| |
| Please note the following corrections: |
| Claim 1, line 2, change "3970" to2970 |
| Claim 2, line 5, change "Vitamin B^6 " toVitamin B_6 |
| Claim 3, line 3, change "3970" to2970 |
| |
| |
| |
| |
| |
| |
| |
| |
| |

MAILING ADDRESS OF SENDER (Please do not use customer number below): Sheppard, Mullin, Richter & Hampton LLP 1300 I Street NW, 11th Floor East Washington, DC 20005

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

9 **2008**

OEC 05 2008 E

Docket No.:

14ME-129033

Patent No.:

US 7,390,509 B2

Application No.:

10/790,027

Issued:

June 24, 2008

Filed:

March 2, 2004

Applicant:

Giordano et al.

For:

Compositions and methods for nutrition supplementation

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. § 1.323

Commissioner for Patents Office of Patent Publication Attn: Certificate of Correction Branch P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Patentee hereby respectfully requests that the Commissioner issue a Certificate of Correction for the above-captioned patent in accordance with the accompanying Form PTO/SB/44.

Please note the following corrections:

Claim 1, line 2, change "3970" to --2970--.

Claim 2, line 5, change "Vitamin B6" to --Vitamin B6--.

Claim 3, line 3, change "3970" to --2970--.

Each of the corrections is requested to correct recently discovered typographical errors made by the Patentee. With particular reference to the requested correction of 3970 to 2970, Patentee notes that the original claim set filed on March 2, 2002, included claims reciting 2970 IU of Vitamin A. See, e.g., Claims 28, 45, 80, 121, 138, and 173. The typographical error was introduced by the Patentee in its response dated January 25, 2008, in new claims 246 and 249. Further support for the correction to "2970" IU of Vitamin A is found in the specification; for example, paragraphs [0007], [0013] and [0026], stating a range of "about 2430 IU to about 2970 IU" of Vitamin A.

In the event that any fees are due in connection with this paper, please charge the undersigned's Deposit Account No. 50-1067.

Respectfully submitted,

December 5, 2008

Date

Don J. Pelto

Reg. No. 33,754

SHEPPARD MULLIN RICHTER & HAMPTON

1300 I Street, NW

11th Floor East

Washington, DC 20005

Telephone: 202.772.0000 Facsimile: 202.312.9415